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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,414	04/05/2001	Hans Josef Rinninger	31530-171041	5027

26694            7590            05/20/2002

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP  
P.O. BOX 34385  
WASHINGTON, DC 20043-9998

[REDACTED] EXAMINER

ADDIE, RAYMOND W

ART UNIT	PAPER NUMBER
3671	

DATE MAILED: 05/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/826,414	RINNINGER, HANS JOSEF
	<b>Examiner</b> Raymond W. Addie	<b>Art Unit</b> 3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 May 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8, 11 and 12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinninger # 4,836,731 in view of Streator # 1,636,114.

Rinninger, as cited by the Applicant, discloses a paving stone comprising:

A molded concrete block (1) for covering an area with paving stones.

Said molded block being formed in a variety of shapes and having substantially planar faces. At least one face having a rounded or clothodial portion over a substantial area extending toward at least one side edge of said cube.

Streator teaches it is old and well known in the art to make a molded block (1) for a paving-stone application, made of concrete and comprising:

A substantially cubical shape and substantially planar faces, (see fig. 3), Col. 1, lines 42-43. Therefore, it would have been obvious to make the paving stone of Rinninger to be substantially cubical in form, as taught by Streator, in order to increase the load strength of said paving stone.

In regards to Claims 2, 3, 5-8 Rinninger discloses the molded block can be arranged such that each side can be used as a horizontal upper face during laying. Rinninger further discloses the molded blocks can have a clothodial surface on at least two opposing surfaces and that at least one edge can be sharp, irregularly rounded, and have a reduced side edge (4). See figs. 1b-3b, 4; col. 2, lines 48-60, col. 3, line 30-col. 4, line 68.

In regards to Claims 11, 12 Rinninger discloses the opposite side faces of said molded block taper toward each other and that the radius of curvature, of the rounded portion, is variable, like a clothoid shape or Cornu's spiral. See col. 1, lines 54-61.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rinninger # 4,792,257 in view of Streator as applied to Claim 1 and further in view of Dube # 5,496,129.

Rinninger discloses a plurality of rectangular and square, molded blocks (1, 2, 3, 3', H, J) that are usable together to form a covering.

What Rinninger in view of Streator does not disclose is any one block being 4 times the size of a 1<sup>st</sup> block. However, Dube teaches an interlocking paving stone system comprising a plurality of stones (10, 18, 20) being of concrete. Stone (20) being the smallest stone, having a square plan view, and a plurality of similar but differently shaped stones (10, 12, 18). All the stones taught by Dube can be interconnected to form a large covering having a specific pattern. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the molded paving block system of Rinninger in view of Streator, with a plurality of differently shaped paving stones in order to, in order to vary the pattern of the paved surface and thereby avoid a monotonous appearance. See Rinninger col 3, line 30-col. 2, line 30; See Dube Abstract.

### ***Response to Arguments***

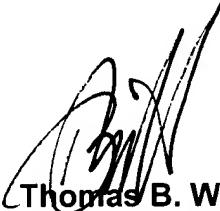
Applicant's arguments with respect to claims 1-8, 11, 12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abrahamson # 4,836,731 discloses a method and apparatus for making a variety of different sized and shaped paving stones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (703) 305-0135. The examiner can normally be reached on Mon-Sat from 8:00 am to 2:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



Thomas B. Will  
Supervisory Patent Examiner  
Group 3600

RWA  
5/14/2002